

DEVIN DERHAM-BURK #104353
CHAPTER 13 STANDING TRUSTEE
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Trustee for Debtor(s)

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5

In re:

MARGARITA HERNANDEZ MUNOZ

Debtor(s)

)
)
) Chapter 13
) Case No. 08-5-3270 RLE
)
) First Amended
) TRUSTEE'S OBJECTION TO
) CONFIRMATION WITH CERTIFICATE OF
) SERVICE
)

) Pre-Hearing Conference Date: October 16, 2008
) Pre-Hearing Conference Time: 2:00 pm
) Place: 280 S. 1st Street
) San Jose, CA Room 3099
) Judge: Efremsky

Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this 0% Plan for the following reasons:

1. Pursuant to the debtor's testimony at the Section 341 First Meeting of Creditors on July 28, 2008, the debtor has not filed her 2005 and 2006 income tax returns. Before the Trustee can recommend confirmation of the debtor's plan, all missing tax returns must be prepared and filed with the appropriate taxing authorities. Once prepared, the Trustee requests verification that the Federal returns have been filed with the Internal Revenue Service.

2. The Plan is in violation of 11 U.S.C. §1322(d) in that the term exceeds 60 months. As proposed, the term is approximately 140 months. Note: The Franchise Tax Board filed a priority claim in the amount of \$20,885.15, which was unscheduled.

Dated: September 3, 2008

/S/ Devin Derham-Burk

Chapter 13 Trustee

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Said envelopes were addressed as follows:

Gold & Hammes
1570 The Alameda #223
San Jose, CA 95126

/S/ Karen B. Huston
Office of Devin Derham-Burk, Trustee